

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.:)	Confirmation No. N/A
Applicants: Bao et al.)	
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)	<u>10/22/03</u> <u>Brian S. Clise</u>
)	Date Brian S. Clise
)	Registration No. 47,497
)	Attorney for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is being submitted in accordance with 37 C.F.R. §§1.97 - 1.98 in connection with the above-identified application. The following documents are listed on Form PTO-SB-08 which accompanies this Information Disclosure Statement.

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<u>Document No.</u>	<u>Publication Date</u>	<u>Inventor/ Applicant</u>
US-3,867,728	02/25/1975	Stubstad et al.
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Artificial Disc Technology *Neurosurg. Focus*/Volume 9/October 2000

The items mentioned above are listed on the PTO/SB/08A form accompanying this Information Disclosure Statement. Copies of the following references are being submitted with this Information Disclosure Statement:

<u>Patent No.</u>	<u>Publication Date</u>	<u>Inventor/ Applicant</u>
4,863,477	09/05/1989	Monson
5,401,269	03/28/1995	Büttner-Janz et al.
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Pursuant to MPEP 609 and 37 CFR §1.98(d), copies of all other references are not being submitted because they were previously cited by or submitted to the Patent and Trademark Office in the following related parent application: application number 10/282,620, filed October 29, 2002 (Attorney Docket No. 74153) and provisional application number 60/382,758, filed May 23, 2002 (Attorney Docket No. 73887).

Pursuant to 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 
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Date: _____
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120 South LaSalle Street
Chicago, Illinois 60603-3406
(312) 577-7000

PTO/SB/08A Substitute for Form PTO-1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number		
				Filing Date		Herewith
				First Named Inventor		Bao et al.
				Art Unit		
				Examiner Name		
Sheet	1	of	10	Attorney Docket	79587	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ²			
		US-3,867,728	02/25/1975	Stubstad et al.	
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		Country Code ³ -Number ⁴ -Kind Code ⁵				
		EP 0 346 129 A1	12/13/1989	Johnson & Johnson		
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Examiner Signatur		Dat Considered	
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¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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